

REMARKS

This Amendment responds to the Office Action mailed June 2, 2008 in the above-identified application. Based on the foregoing amendments and the following comments, reconsideration and allowance of the application are respectfully requested.

Claims 1-6 were previously pending in the application. By this Amendment, claims 1-4 are amended. Claim 6 is canceled without prejudice or disclaimer. New claim 7 is added. Accordingly, claims 1-5 and 7 are currently pending, with claims 1 and 7 being independent claims. No new matter has been added.

The Examiner has rejected claims 1-6 under 35 U.S.C. §102(b) as anticipated by EP 0661125. The rejection is respectfully traversed in view of the amended claims.

A translation of EP '125 into English is enclosed for the convenience of the Examiner. The translation is believed to be an accurate translation.

EP '125 discloses apparatus for the separation of connecting rods by fracture, including a piston and cylinder unit 61 connected to a hydraulic circuit, as shown in FIG. 5. The hydraulic circuit includes an energy storing device 60, a safety device 62 and a control valve 63 arranged between the energy storing device 60 and the piston and cylinder unit 61. EP '125 states that the energy storing device 60 includes a high pressure vessel whose interior is divided by a dividing diaphragm into two chambers, of which the lower chamber is filled with hydraulic medium and the upper chamber with a compressed gas, preferably nitrogen (page 7, fourth paragraph of translation).

EP '125 does not disclose or suggest a return chamber which is supplied with a gaseous medium during an operation of returning the piston and does not disclose or suggest a discharge device designed such that the gaseous medium is displaced suddenly from the return chamber during the operation of applying the working force, as required by amended claim 1. Accordingly, amended claim 1 is clearly and patentably distinguished over EP '125, and withdrawal of the rejection is respectfully requested.

Claims 2-5 depend from claim 1 and are patentable over EP '125 for at least the same reasons as claim 1.

New claim 7 is directed to a method for applying power to workpiece and recites, in part, "supplying the return chamber with a gaseous medium during an operation of returning the piston"

and “displacing the gaseous medium from the return chamber suddenly during the operation of applying the working power”. These acts are not disclosed or suggested by EP ‘125. For these reasons and for the reasons discussed above, new claim 7 is clearly and patentably distinguished over EP ‘125.

Based upon the above discussion, claims 1-5 and 7 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: September 2, 2008

Respectfully submitted,

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